


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|--|---|---------------------|
| MARCELL LAMONT SADDLER | : | CIVIL ACTION |
| | : | |
| v. | : | NO. 21-4695 |
| | : | |
| PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY UNEMPLOYMENT DIVISION | : | |
| | : | |

ORDER

AND NOW, this 29th day of October 2021, consistent with Congress's mandate of screening claims proceeding without paying the filing fees consistent with our October 27, 2021 Order (ECF Doc. No. 4), finding we lack subject matter jurisdiction for Plaintiff's claims based upon diversity, but not precluding Plaintiff from possibly amending to plead a federal question within our limited jurisdiction, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. We **DISMISS** Plaintiff's Complaint (ECF Doc. No. 2) consistent with 28 U.S.C. § 1915(e)(2)(B)(ii) as it fails to state a claim within our subject matter jurisdiction; and,
2. We grant Plaintiff leave to file an amended Complaint no later than **November 29, 2021** if he can state a claim against a person (not an agency or Commonwealth) relating to his claim for denial of benefits which can be reviewed during an ongoing appeal process in the Commonwealth.


KEARNEY, J.